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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,593	09/28/2005	Kwang-Soon Kim	CU-4233 WWP	9212
26530	7590	02/22/2008	EXAMINER	
LADAS & PARRY LLP			MITCHELL, NATHAN A	
224 SOUTH MICHIGAN AVENUE			ART UNIT	PAPER NUMBER
SUITE 1600			2617	
CHICAGO, IL 60604			MAIL DATE	DELIVERY MODE
			02/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/536,593	KIM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nathan Mitchell	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 November 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 13-34 is/are allowed.
- 6) Claim(s) 1 and 35 is/are rejected.
- 7) Claim(s) 3-12 and 36-38 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/17/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over background of U.S. Patent No. 5,930,366 to Jamal et al. in view of U.S. Patent No. 4,796,279 to Betts et al., U.S. Patent 6,567,482 B1 to Popovic and U.S. Patent No. 6,185,244 B1 to Nystrom et al.

For claim 35, background of Jamal et al. discloses a prior art method for configuring a downlink signal in a mobile communication system (column 4 line 22), comprising:

Generating a synchronization code (fig. 4 Cs)

Arranging a plurality of pilot symbols (fig. 4 Cp) on the time axis and the frequency axis (according to fig. 4 it's clear that there are a plurality of pilot symbols on the time axis. It's inherent that they're on the frequency axis as well as any mobile communication has to transmit using a frequency), and generating a second slot (fig. 4 Cp are in a plurality of second slots)

For claim 35, background of Jamal et al. discloses all the subject matter of the claimed invention with the exception of the synchronization being a preamble composed of two symbols with a phase difference of 180° between them and the frame also having a second preamble having a specific pattern for each cell of a plurality of cells.

For the same issue of synchronization (column 2 line 2), Betts et al. teach a preamble composed of two symbols that are 180° out of phase with each other (column 2 lines 14-20). It would have been obvious to one of ordinary skill at the time of invention in the art to use a synchronization preamble at the beginning of the signal. The motivation for doing so is to synchronize different stations.

In a related field of endeavor, Popovic discloses a preamble being used for the purposes of downlink cell search (column 3 lines 66-67) and also discloses base station specific codes being used for cell search (column 3 lines 13-14). It would have been obvious to one of ordinary skill at the time of invention to include a code as part of the preamble for the purposes of cell search. The motivation for doing so is to use a known technique (preamble for cell search) to improve a similar method in the same way (ability to identify base stations).

The invention as modified above discloses all the subject matter of the claimed invention with the exception of the first symbol being a symbol which is repeated at intervals of a predetermined time period and the second symbol being part of the first symbol with the phase rotated by 180 degrees.

Betts however further discloses the second symbol being part of the first symbol with the phase rotated by 180 degrees (column 2 20-25).

However in an analogous art, Nystrom et al. disclose the common practice of periodically transmitting at defined intervals a synchronization code (column 2 31-55). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Nystrom et al. with the invention as modified by repeating the

synchronization code at intervals. The motivation for the combination is the use of a known technique to improve a similar system in the same way.

**Claim 1** is rejected as the corresponding device claim to the method claim 35.

***Allowable Subject Matter***

7. Claim 13-34 allowed.
8. Claim 3-12, 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mitchell whose telephone number is (571)270-3117. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Nathan Mitchell*

Nathan Mitchell/nam

*Lester G. Kincaid*  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER